COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: March 15, 2011

OFFICE CORRESPONDENCE FILE NO. FO2265217

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOSEPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY DARYL GAUNT #[redacted]
SPECIAL ENFORCEMENT BUREAU

On April 20, 2010, at approximately 0130 hours, Deputies Thomas Maese and Oscar Barrios of Operation Safe Streets Bureau (OSS) were involved in a pursuit of a known stolen vehicle (White Toyota Camry, License #[redacted] The pursuit ended when the driver lost control of the stolen vehicle and spun out. As the vehicle came to rest, the driver and his passenger fled on foot. A containment was set up and, shortly after, [redacted] at [redacted] contacted deputies and said they believed the suspect was hiding in their backyard. A Sheriff's helicopter arrived and identified a "hot spot" under a canopy in the backyard of that address, indicative that a person was underneath it.

Sergeant Eric Lindblom, and Deputies Gaunt, Barragan, Reedy and Felipe, all from Special Enforcement Bureau (SEB) K-9 arrived and were briefed. Sergeant Lindblom parked his Chevrolet Tahoe in the driveway of the target location and began playing pre-recorded K-9 deployment announcements. Sergeant Lindblom instructed Deputy Felipe to park his vehicle on the back side of the target location, which was a church, and do the same. After the announcements were played, Sergeant Lindblom waited approximately fifteen minutes to allow time for the suspect to surrender. Despite the continuous announcements to surrender, the suspect refused.

Sergeant Lindblom formed a search team that included himself and Deputies Barragan, Reedy, and Gaunt, along with his dog "Tosca." Prior to deploying Tosca, Deputy Gaunt made several verbal announcements to warn anyone, including the suspect, in the backyard that he was about to deploy his dog. With no response, Deputy Gaunt directed Tosca to search the area. Deputy Gaunt and Tosca made their way through the side yard of the residence and subsequently ended up in the backyard where the helicopter's observer advised them of a [redacted] under the canopy. Deputy Reedy provided cover as Sergeant Lindblom and Deputy Barragan began to approach the canopy area with Deputy Gaunt and Tosca.

Deputy Gaunt made additional verbal announcements as they got closer to the canopy. Still, no suspect was making himself known, so he directed Tosca to continue searching farther into the backyard.

Tosca located the suspect under the canopy and engaged him, biting his right arm. The suspect, who was on the ground, reached around Tosca's collar and began choking her, at which time Deputy Gaunt yelled for the suspect to show his hands and let go of the dog. The suspect failed to comply, at which time Deputy Gaunt punched him in the left portion of his chest with a closed fist. The suspect continued struggling with Tosca, pulling her off of his arm. Tosca immediately re-engaged the suspect and began biting his right leg. Sergeant Lindblom ordered the suspect to stop fighting, during which time Deputy Gaunt directed Tosca to release her bite. The suspect rolled onto his stomach and was handcuffed without further incident. The suspect (hereafter referred to as Suspect Esquivel) was positively identified as the driver of the vehicle by the pursuing deputy and was booked for Taking a Vehicle Without Owner's Consent, Evading a Peace Officer, and Receiving Stolen Property. The remainder of the target location was checked for the second suspect, but he was not located.

Suspect Esquivel was treated by on-scene by medical personnel and subsequently transported to Saint Francis Medical Center.

On March 3, 2011, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Daryl Gaunt, #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy Gaunt in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

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IAB FO 2265217

AUDIO/VIDEO TRACKING SHEET

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- K-9 Deputy Daryl Gaunt
- K-9 Sergeant Eric Lindblom
- K-9 Deputy Edwin Barragan
- SEB K-9 Sergeant Lindblom interview of Suspect Esquivel
- IAB Interview of Suspect Paul Esquivel

EXHIBITS

A - Complaint Report under file # 910-06799-2137-252

B - Supplemental Report under file #910-06799-2137-252, authored by Deputy Daryl Gaunt

C- Supplemental Report under file # 910-06799-2137-252, authored by K-9 Sergeant Lindblom

D - Supplemental Report under file # 910-06799-2137-252, authored by Deputy Edwin Barragan

E - Google Earth Image of [redacted] 131st Street, Compton

F - Photograph depicting front of [redacted] 131st Street, Compton

G - Photograph depicting view from Sergeant Lindblom's vehicle

H - (6) Photographs depicting Suspect Esquivel and his injuries

MISCELLANEOUS

- Administrative Rights Force Review forms for Sergeant Eric Lindblom and Deputies Daryl Gaunt and Edwin Barragan

- Related paperwork for Suspect Esquivel (Booking Slip, Probable Cause Declaration, Emergency Room paperwork)

- (1) Compact Disc containing (9) photographs of Exhibits "E," "F," "G," and "H"

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 910-06799-2137-252	Date: 4/20/10	Time: 0130	
Location: [redacted] W 131st Street	City or Station: Compton		
Bureau/Station/Facility: Office of Homeland Security - SEB	Admin. Investigation: YES ☐ NO ☒		
Type of Force: K-9 Bite / Personal Weapons (Hands)			
Deputy Injury: YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☒ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Alicia Ault	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E 1

Employee #	Last Name	First Name	Middle Name
[redacted]	Gaunt	Daryl	

Sex: ☒ Male ☐ Female | Race: | Unit of Assignment: Office of Homeland Security - SEB | Work Assignment (Unit #, Module, etc.): 240-K94

Shift: ☒ EM ☐ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 603 | Weight: 200

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

☐ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Lindblom	Eric		Sgt.	YES ☒ NO ☐	YES ☒ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lindblom	Eric	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lindblom	Eric	

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

IAB SERGEANT KELLY ADLER [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 12/07)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
9 1 0 - 0 6 7 9 9 - 2 1 3 7 - 2 5 2

Suspect Information

S 1

Last Name: Esquivel | First Name: Paul | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 18 | Height: 505 | D.O.B. 03/12/92 | Weight: 130 | Armed? ☐

Booking #: 2303610 | Primary Charge Code: 10851(a) CVC | Secondary Charge Code: 2800.2(b) CVC | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☒ Rec'd Treatment At: Saint Francis Medical Center | Coroner Case #: ______ | Mental History ☐

By Doctor: Shepard | Address: 3630 E. Imperial Highway, Lynwood | Phone #: ______

Under Influence: ☒ YES ☐ NO Substance: Methamphetamine | Mental Illness ☐

Suspect Interview

Date: 04/20/10 | Time: 0950 | Audiotape: ☒ | Videotape: ☐ | Photos of Injuries: ☒

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
910 - 06799 - 2137 - 252

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lindblom	Eric	
[redacted]	Barragan	Edwin	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Supervisor's Report on Use of Force

910 - 06799 - 2137 - 202

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Gaunt	E#1	Esquivel	S#1	CN	LC	BK
Esquivel	S#1	Gaunt	E#1	RS		
Gaunt	E#1	S#1	S#1	CN	LC	AR
Esquivel	S#1	Gaunt	E#1	PP		
Gaunt	E#1	Esquivel	S#1	CN	LC/DB	LE
Esquivel	S#1	Gaunt	E#1	PP		
Gaunt	E#1	Esquivel	S#1	PH	BR	CH

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

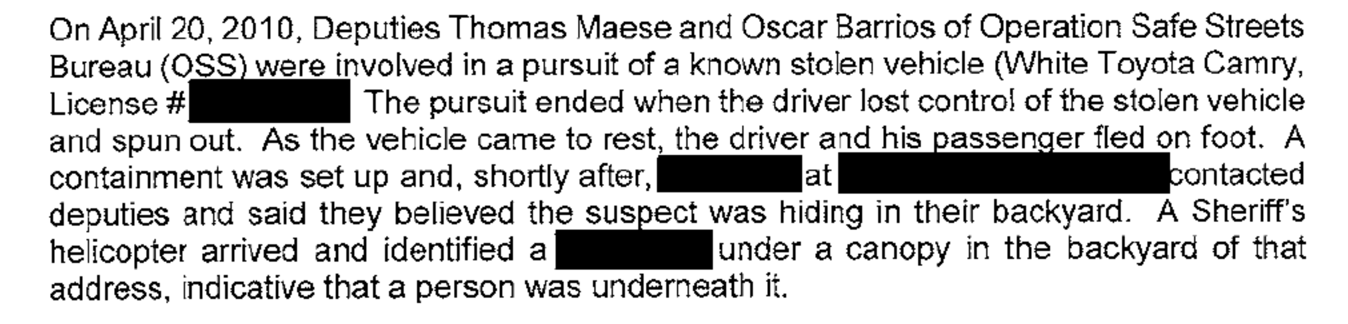
INVESTIGATIVE SUMMARY
SIGNIFICANT USE-OF-FORCE
(K-9 Bite, Personal Weapons)

UNIT:	240K94
DATE:	April 20, 2010
TIME:	0130 Hours
LOCATION:	[redacted] W. 131st Street, Compton
URN#:	910-06799-2137-252
IAB#:	FO 2265217

On April 10, 2010, Sergeants Kelly Adler and Victor Allen of the Internal Affairs Bureau (IAB) responded to Saint Francis Medical Center in Lynwood regarding a significant Use-of-Force incident. Although the incident occurred in the city of Compton, at the time of the IAB notification, the suspect had been transported to a local hospital for medical treatment and the scene had not been preserved. Investigators learned that Special Enforcement Bureau (SEB) Deputy Daryl Gaunt and his dog "Tosca" were involved in the Use-of-Force. Julie Ruhlin of the Office of Independent Review was notified but did not respond.

This investigation is based on statements by involved personnel, witnesses at the scene, information obtained during the investigation, as well as various written documentation.

SYNOPSIS:


On April 20, 2010, Deputies Thomas Maese and Oscar Barrios of Operation Safe Streets Bureau (OSS) were involved in a pursuit of a known stolen vehicle (White Toyota Camry, License # [redacted] The pursuit ended when the driver lost control of the stolen vehicle and spun out. As the vehicle came to rest, the driver and his passenger fled on foot. A containment was set up and, shortly after, [redacted] at [redacted] contacted deputies and said they believed the suspect was hiding in their backyard. A Sheriff's helicopter arrived and identified a [redacted] under a canopy in the backyard of that address, indicative that a person was underneath it.

Sergeant Eric Lindblom, and Deputies Gaunt, Barragan, Reedy and Felipe, all from Special Enforcement Bureau (SEB) K-9 arrived and were briefed by Deputies Thomas Maese and Oscar Barrios. In preparing to conduct a K-9 search for the driver of the vehicle, Sergeant Lindblom parked his Chevrolet Tahoe in the driveway of the target location and began playing pre-recorded K-9 deployment announcements. Sergeant Lindblom instructed Deputy Felipe to park his vehicle on the back side of the target location, which was a church, and do the same. After the announcements were played, Sergeant Lindblom waited approximately fifteen minutes to allow time for the suspect to surrender. Despite the continuous announcements to surrender, the suspect refused to come out.

Sergeant Lindblom formed a search team that included himself and Deputies Barragan, Reedy, and Gaunt, along with his dog "Tosca." Prior to deploying "Tosca," Deputy Gaunt made several verbal announcements to warn anyone, including the suspect, in the backyard that he was about to deploy his dog. With no response, Deputy Gaunt directed "Tosca" to search the area. Deputy Gaunt and "Tosca" made their way through the side yard of the residence and subsequently ended up in the backyard where the helicopter's observer advised them of a "hot spot" under the canopy. Deputy Reedy provided cover as Sergeant Lindblom and Deputy Barragan began to approach the canopy area with Deputy Gaunt and "Tosca." Deputy Gaunt made additional verbal announcements as they got closer to the canopy. Still, no suspect was making himself known, so he directed "Tosca" to continue searching farther into the backyard.

"Tosca" located the suspect under the canopy and engaged him, biting his right arm. The suspect, who was on the ground, reached around "Tosca's" collar and began choking her, at which time Deputy Gaunt yelled for the suspect to show his hands and let go of the dog. The suspect failed to comply, at which time Deputy Gaunt punched him in the left portion of his chest with a closed fist. The suspect continued struggling with "Tosca," pulling her off of his arm. "Tosca" immediately re-engaged the suspect and began biting his right leg. Sergeant Lindblom ordered the suspect to stop fighting, during which time Deputy Gaunt directed "Tosca" to release her bite. The suspect rolled onto his stomach and was handcuffed without further incident. The suspect (hereafter referred to as Suspect Esquivel) was positively identified as the driver of the vehicle by the pursuing deputy and was booked for Taking a Vehicle Without Owner's Consent, Evading a Peace Officer, and Receiving Stolen Property. See report under file # 910-08738-1327-151 **[Exhibit A]**. The remainder of the target location was checked for the second suspect, but he was not located.

Suspect Esquivel was treated by on-scene by medical personnel and subsequently transported to Saint Francis Medical Center for further treatment of his injuries.

Deputy Gaunt reported to Sergeant Lindblom that "Tosca" bit Suspect Esquivel on his right arm and right leg, and that he (Deputy Gaunt) punched Suspect Esquivel in the chest. Deputy Gaunt was instructed to document his force in a supplemental report **[Exhibit B]**. Deputy Barragan reported to Sergeant Lindblom that he saw a portion of the force and was instructed to document his observations in a supplemental report **[Exhibit D]**. Deputy

Reedy reported to Sergeant Lindblom that he did not witness any of the force used against Suspect Esquivel, as he was maintaining his position of cover throughout the incident. Deputy Felipe reported to Sergeant Lindblom that he remained in the church parking lot behind the target location throughout the incident, therefore did not witness any force. No patrol deputies witnessed the force.

PHYSICAL EVIDENCE:

None.

INVESTIGATOR'S OBSERVATIONS:

At the time of the IAB notification, personnel were no longer at the scene, which was not preserved. As such, all IAB observations with regard to the location of this incident were done by viewing an aerial Good Earth image **[Exhibit E]**.

WEAPONS USED BY DEPUTY PERSONNEL:

K-9, Personal Weapons.

WEAPONS USED BY SUSPECT:

None.

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Investigator: Operation Safe Streets Detective Jason Bates
Charges Filed: 10851 CVC

LIGHTING AND WEATHER CONDITIONS:

This incident occurred in a residential area at approximately 0130 hours, during darkness. Although IAB investigators did not survey the scene, the lighting was described by Sergeant Lindblom and Deputies Gaunt and Barragan as only artificial light that was provided by handheld flashlights and the spotlight affixed to the Sheriff's helicopter.

SCENE DESCRIPTION:

Although IAB investigators did not survey the scene, a check of Google Earth revealed the location is a backyard, located in a residential neighborhood, consisting of single story homes.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:

Gaunt, Daryl #[redacted]SPECIAL ENFORCEMENT BUREAU, K-9	
Date of Employment	02/08/1991
Date Assigned to SEB	08/24/2003
Prior Founded Force	[redacted]

INVOLVED PERSONNEL STATEMENTS:

The following is a synopsis of the statements made to IAB investigators by involved personnel. For more information, see the attached verbatim transcriptions of the witnesses.

Deputy Daryl Gaunt told IAB Investigators that on April 20, 2010, he responded to a K-9 request in the City of Compton. Upon his arrival, he was briefed by a Century "COPS" Team deputy who said he was involved in a vehicle pursuit of a stolen vehicle, where two males spun out, crashed, and fled on foot into the neighborhood. Deputy Gaunt said the "COPS" deputy told him that a containment had been set up and prior to his arrival, the airship located a [redacted] in the backyard of [redacted] 131st Street] and it was believed the person in the backyard was the suspect. Deputy Gaunt made contact with the helicopter observer via his transmission radio and was told that the [redacted] had moved under a canopy in the backyard, but they could no longer identify its exact location

Deputy Gaunt said when his K-9 Sergeant (Sergeant Lindblom) arrived, he was also briefed on the circumstances. He said Sergeant Lindblom began playing pre-recorded K-9 deployment announcements, which state they were going to use a police dog to search for the individual and if he surrenders now, he will not be harmed. Deputy Gaunt said the tape further states that if the dog finds him, he may be bitten, and it also asks all citizens to remain in their homes because they are looking for a felony suspect. He said that the tapes were played in English and Spanish and cycled-through three times in both languages, playing directly into the yard of the location where Suspect Esquivel was believed to be hiding.

Deputy Gaunt said that because Suspect Esquivel was wanted for Grand Theft Vehicle and was believed to be the adult driver of that vehicle, had fled from deputies in a vehicle and then on foot, and was believed to be hiding, in darkness, in a backyard that appeared to have many hiding places, he believed it was safer to search for Suspect Esquivel utilizing a police dog. At that time, Deputy Gaunt said he conferred with Sergeant Lindblom regarding the search and he agreed that a K-9 search was within policy and authorized the deployment. Deputy Gaunt had Deputies Barragan and Reedy remain with him for the search, and asked Deputy Felipe to position himself North of the backyard in case Suspect Esquivel fled in that direction.

Deputy Gaunt said prior to deploying, they were told by aero that there were small dogs in the backyard where they planned to search. He said Sergeant Lindblom contacted the residents and returned, indicative to Deputy Gant that it was safe to enter the backyard. According to Deputy Gaunt, he made several verbal K-9 announcements in English and Spanish, stating they were going to use a police dog and for [Suspect Esquivel] to surrender. After receiving no acknowledgment, Deputy Gaunt said he ordered his dog to search. He said the backyard was cluttered and was sectioned off into two areas with a very thick brush line between the two sections so he recalled "Tosca." Due to their risk of exposure, Deputy Gaunt said he had Deputy Reedy stage to their North so he could keep an eye on several sheds that still needed to be cleared. At that time, Deputy Gaunt said he and "Tosca", along with Sergeant Lindblom and Deputy Barragan went back to the brush line. Deputy Gaunt said he made several more K-9 announcements with no response at all.

Within seconds, Deputy Gaunt, who was approximately fifteen feet away from "Tosca," said he heard a male yelling and believed she located Suspect Esquivel. Deputy Gaunt said Deputy Reedy maintained his position of cover on the sheds, while he, Sergeant Lindblom and Deputy Barragan approached the area where the yelling was coming from. Deputy Gaunt said he saw that "Tosca" engaged on Suspect Esquivel's right forearm. He said Suspect Esquivel was using his left hand to pry "Tosca's" jaws, mouth and muzzle off of his arm. Deputy Gaunt said he yelled for Suspect Esquivel to stop fighting the dog and show his hands, but Suspect Esquivel was refusing to comply and had his right hand under him. Deputy Gaunt said because he was unable to determine whether or not Suspect Esquivel was armed, coupled with the fact that he feared Suspect Esquivel would pry the dog off of him before he could be secured, he (Deputy Gaunt) saw an exposed area around Suspect Esquivel's rib cage area and punched him with a closed fist. Deputy Gaunt said right after being punched, Suspect Esquivel pulled "Tosca's" mouth off of his arm and pulled her onto his legs, at which time "Tosca" bit him on the left thigh. It was at that time Deputy Gaunt said he could see that Suspect Esquivel was not armed and the rest of the back-up team moved forward. When asked about the duration of the dog bites, Deputy Gaunt estimated the first bite (to Suspect Esquivel's arm) lasted no more than five to ten seconds. He estimated the second bite (to Suspect Esquiel's leg) lasted no more than ten to fifteen seconds

Deputy Gaunt said he ordered "Tosca" to release her bite on Suspect Esquivel and she complied. He said that he requested medical attention for Suspect Esquivel and asked the handling unit to respond to his location for an in-field show-up. Because it was believed from the on-set of the search that Suspect Esquivel was the driver of the vehicle, Deputy Gaunt placed "Tosca" back into his patrol car and assisted in a hand search for the second suspect, who was not located. Soon after, the handling deputy positively identified Suspect Esquivel as the driver of the stolen vehicle and Deputy Gaunt began his paperwork.

Deputy Gaunt said he had two dogs with him that night, however, he only deployed "Tosca," leaving his other dog in the radio car. Deputy Gaunt stated he has been a K-9 handler at SEB for approximately eight years and had "Tosca" for approximately six months prior to this Use-of-Force.

Deputy Gaunt said he reported force used by him and his K-9 "Tosca" to his immediate supervisor, Sergeant Lindblom. For further information, see Deputy Gaunt's supplemental report under file # 910-06799-2137-252 **[Exhibit B]**.

SWORN WITNESSES:

Sergeant Eric Lindblom told IAB investigators that on the night of the incident, SEB K-9 was routinely monitoring patrol radio traffic when they heard of a pursuit that ended with two suspect's fleeing on foot and were believed to be hiding in the backyard at [redacted] 131st Street. See **[Exhibit F]** for photograph depicting the front of the residence. Sergeant Lindblom said they began responding, knowing their resources would be requested, which at some point they were. He said when he arrived, he was briefed by Deputy Maese regarding the circumstances, which resulted in authorization for a K-9 deployment. Sergeant Lindblom said SEB K-9 was able to deploy in this instance based on the fact deputies were searching for the adult driver of a confirmed stolen vehicle.

Sergeant Lindblom he moved his Chevrolet Tahoe at the entrance of the residence's driveway so he could play K-9 deployment announcements. He said his vehicle was parked approximately between sixty and seventy feet from where Suspect Esquivel was believed to be hiding. See **[Exhibit G]** for photograph depicting the view of the target residence from Sergeant Lindblom's vehicle. Sergeant Lindblom said the announcements are pre-recorded and are played in both English and Spanish. Although Sergeant Lindblom was unable to estimate how many times the announcements were played, he said it takes approximately one minute for one announcement to cycle through in both English and Spanish. He said he played the announcements for ten or fifteen minutes. According to Sergeant Lindblom, as he was playing the announcements from his vehicle, Deputy Felipe was also playing K-9 deployment announcements from his vehicle in the church parking lot, which he estimated to be approximately sixty feet from where Suspect Esquivel was believed to be hiding. When asked if the Sheriff's helicopter was overhead, Sergeant Lindblom said it was, however, the noise from the helicopter does not interfere with the announcements, as they are extremely loud and can still be heard clearly.

Sergeant Lindblom said the helicopter identified a [redacted] under a canopy in the backyard at the target location but at some point, it could no longer be seen. The helicoter observer guided Sergeant Lindblom and his search team (Deputies Reedy, Barragan, Gaunt and Gaunt's K-9 "Tosca"). He said the approached the backyard by coming up the west side of the house. He said Deputy Gaunt made verbal announcements when they were at the gate to the backyard and then directed his dog to search. Sergeant Lindblom said as they approached the backyard, a female and her children were in the garage, which only opened to the back of the house. He said Deputy Reedy told the woman to remain in the garage while they deployed the dog. Sergeant Lindblom went on to say that after the dog cleared a portion of the yard near that garage, she returned to her handler and was sent back for additional searching. Sergeant Lindblom said they made their way to an area in the backyard that was under a covered patio. He described a large hedge as separating the search team from where Suspect Esquivel was last seen. He said a verbal announcement was made from their position, which was approximately twenty feet from where Suspect Esquivel was believed to be hiding. Sergeant Lindblom said that Deputy Gaunt released the dog in that direction and the dog went around the hedge and out of their view. Shortly after, Sergeant Lindblom said he heard yelling and figured the dog located, and engaged, Suspect Esquivel.

Sergeant Lindblom said Deputy Gant was the first one to arrive at Suspect Esquivel's location and he (Sergeant Lindblom) was the second. He said he saw Suspect Esquivel on his right side with his right arm underneath him, with the dog biting his right elbow area. Sergeant Lindblom said Suspect Esquivel was reaching over the dog and appeared to be trying to pry the dog off of the bite. He said Deputy Gaunt was yelling for Suspect Esquivel to show his hand and to release the dog, but he was not complying. At that time, Sergeant Lindblom said he saw Deputy Gaunt punch Suspect Esquivel on his left side. He said Suspect Esquivel then pried the dog's mouth off of his arm, at which time the dog re-engaged on his thigh. When asked how long the bite(s) lasted, Sergeant Lindblom said he could not recall the duration, but said he accurately documented it in the Chief's Memorandum.

> **IAB Note:** A check of the Chief's Memorandum written by Sergeant Lindblom revealed that the duration of the bite was approximately 30 thirty seconds.

Sergeant Lindblom said Suspect Esquivel surrendered and was handcuffed by Deputy Barragan without further incident. He said immediately following the force, medical attention was summoned for Suspect Esquivel and a search for the second suspect was conducted, however, but he was not located.

Sergeant Lindblom said that Deputy Gaunt reported force used by his K-9 and himself, which was depicted in a supplemental report **[Exhibit B]**. He said Deputy Barragan reported to him that he witnessed a portion of the force, which was depicted in a supplemental report **[Exhibit D]**. He further stated he read and approved those reports. Sergeant Lindblom said Deputies Felipe and Reedy reported they did not witness any of the force used, therefore no supplemental reports were obtained from either of them.

Sergeant Lindblom said it was his opinion that the force used by Deputy Gaunt and his K-9 "Tosca" was reasonable and necessary, given the circumstances of this incident.

Sergeant Lindblom confirmed that prior to deploying SEB K-9, a briefing was conducted as to the search team's strategy, and that a de-briefing was conducted at the conclusion of this incident. He also said that his personnel receive routine in-service training with regard to K-9 deployment on a regular basis.

Sergeant Lindblom said there were no civilian witnesses to the force, however, he interviewed citizens who heard the K-9 deployment announcements. (Witness information is documented in the *Witness* section of this Investigative Summary).

Sergeant Lindblom documented his actions in a supplemental report. For further information see Sergeant Lindblom's Supplemental Report under file # 910-06799-2137-252 **[Exhibit C]**.

Deputy Edwin Barragan told IAB investigators that on the night of the incident, he responded to the location as a K-9 handler and was briefed regarding a pursuit that ended in a collision, where at least one of the two suspects was believed to be hiding in a backyard. He said Sergeant Lindblom's vehicle was positioned in front of [redacted] 131st Street and was playing pre-recorded K-9 deployment announcements. He said a second radio car was positioned off of 130th Street, which was north of the target location, making the same pre-recorded announcements. Deputy Barragan said the announcements could be heard despite the helicopter overhead. He said he, along with Sergeant Lindblom and Deputies Gaunt and Reedy approached the backyard of [redacted] 131st Street by walking up the west side of the house. He said once they staged, they made several announcements that they were about to deploy a police dog. Deputy Barragan said as they walked farther into the backyard, he heard Deputy Gaunt make several verbal announcements and then deployed his dog. He said the dog searched about seven feet in and then returned to them. As they moved their position to continue the search, Deputy Barragan said Deputy Gaunt made additional announcements, advising Suspect Esquivel to make himself known, as they were about to deploy a police dog.

Deputy Barragan said that as he was covering the north of the property, he heard that the dog engaged Suspect Esquivel on his right leg, somewhere near the center of the yard. He said he looked to his right and could hear Suspect Esquivel and when he moved his position toward the noise, he was able to see him trying to pry the dog off of him, as he was being bitten around what looked like his upper torso. Deputy Barragan said Suspect Esquivel was using his left hand to try to pry the dog off of him, while his right hand was under his body. According to Deputy Barragan, Deputy Gaunt was ordering Suspect Esquivel to stop fighting the dog and when he failed to comply, Deputy Gaunt punched him (Suspect Esquivel) one time in the upper torso.

Deputy Barragan said Suspect Esquivel managed to take the dog off the bite, at which time the dog re-engaged and bit him in the thigh. Although Deputy Barragan did not see the first dog bite, he was aware Suspect Esquivel was being bitten and estimated that between the first and second bite, collectively they lasted approximately fifteen seconds.

Deputy Barragan said he was newly assigned to SEB K-9 and had not yet been assigned a dog the night he responded to this incident.

Deputy Barragan said he reported all force, which he witnessed, to his immediate supervisor, Sergeant Lindblom. For further information see Deputy Barragan's Supplemental Report under file # 910-06799-2137-252 **[Exhibit D]**.

SUSPECT INTERVIEW:

Suspect Paul Esquivel was iinterviewed by Sergeant Eric Lindblom while he was in the Emergency Room at Saint Francis Medical Center. The interview took place prior to the arrival of IAB Investigators, as it was not known at the time that the Use of Force would rise to the level of an Internal Affairs Bureau Force Review. In the interview, Suspect Esquivel denies being the driver of the stolen vehicle and claims he could not hear any K-9 announcements due to the noise of the helicopter. In addition to the dog bites he sustained, Suspect Esvuivel said he was hit in the chest and face by one of Sergeant Lindblom's deputies.

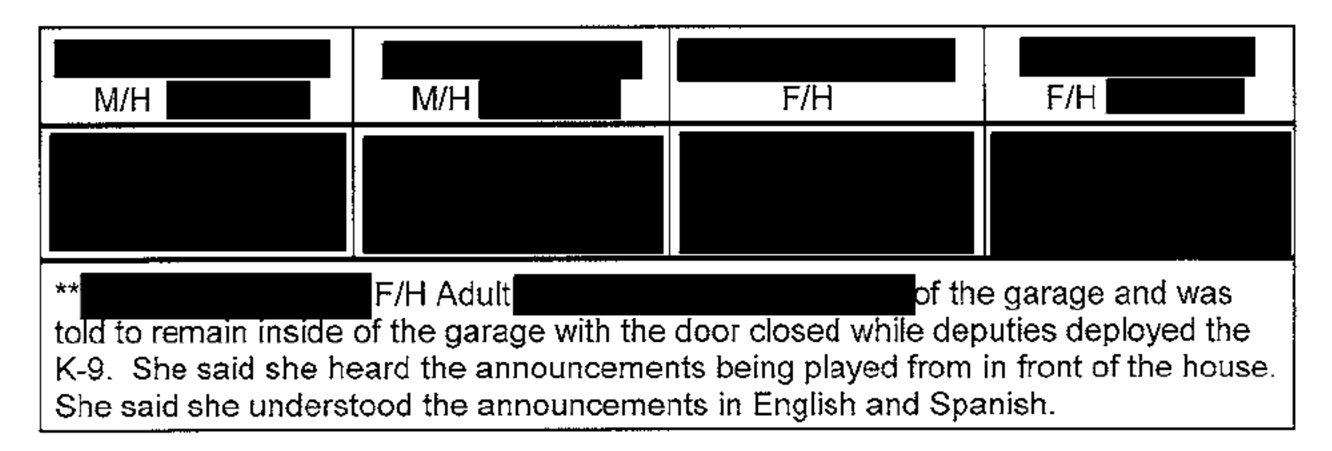
Suspect Paul Esquivel was interviewed in the Emergency Room at Saint Francis Medical Center by IAB Investigators. He said prior to the incident, his friend, who he only knows as "Richie," picked him and drove him to a friend's house to pick up his (Suspect Esquivel's) computer. Suspect Esquivel said they were headed back to his house when they saw deputies behind them. According to Suspect Esquivel, Richie, who was driving, panicked and tried to drive away. When asked if the deputies tried to pull them over, Suspect Esquivel said deputies did not try to pull them over. Suspect Esquivel said he tried to tell Richie to slow down but he would not listen to him. He said Richie was going approximately 70-80 miles per hour when the car started spinning and they jumped out of the car and ran. When asked why he ran, Suspect Esquivel said he ran because Richie did.

Suspect Esquivel said he jumped a fence and ended up in a backyard (the backyard where he was ultimately taken into custody.) He said he did not know who lived at the location. He said he tried to jump another fence to get out of the yard, but decided not to, which is when the helicopter began shining a light in the backyard. According to Suspect Esquivel, he waited for the deputies, thinking he would be able to run through the house, at which time he saw flashlights and the dog coming toward him. He claims to have waived at deputies right before the dog jumped on him and began 'chewing him up.' He said the told the deputies to get the "mother fucker" off of him. He described the deputies' subsequent actions as looking at him and "acting stupid," so he grabbed the dog at the neck and tried

to pry it away from him. Suspect Esquivel estimated the dog was biting him for five minutes. He said he received medical attention thirteen minutes after being taken into custody. When asked to describe his injuries, Suspect Esquivel said he was bit on his arm, leg and back. He also said his lung was "punched," believing he was kicked by the dog. Suspect Esquivel admitted to using narcotics, saying he smoked a small bag of Methamphetamine earlier that afternoon, but did not consume any alcohol. He also said he is on Probation for Possession of Methamphetamine. Suspect Esquivel said he does not have a history or medical or psychiatric problems, and does not take any medication.

CIVILIAN WITNESSES:

Although there were no civilian witnesses who saw the Use-of-Force, the following (4) people had been evacuated from the target address and were standing on the south side of 131st Street when the K-9 deployment announcements were played. Each one of them individually told Sergeant Lindblom they saw his Chevrolet Tahoe parked in the driveway and were aware the announcements were coming from his vehicle. Each one of them also told Sergeant Lindblom they heard the announcements being played in English and Spanish:



[redacted] M/H [redacted]	[redacted] M/H [redacted]	[redacted] F/H	[redacted] F/H [redacted]
[redacted]	[redacted]	[redacted]	[redacted]
** [redacted] F/H Adult [redacted] of the garage and was told to remain inside of the garage with the door closed while deputies deployed the K-9. She said she heard the announcements being played from in front of the house. She said she understood the announcements in English and Spanish.			

The following (2) residents live in the property [redacted] the target address and were in their bedroom when the K-9 deployments announcements were made. Both of them told Deputy Barragan they could hear the announcements being played over the loud speaker in English and Spanish:



[redacted] M/H [redacted]	[redacted] F/H [redacted]
[redacted]	[redacted]

INJURIES:

Deputy Gaunt was not injured. "Tosca" was not injured. Suspect Esquivel sustained a dog bite to his right leg, as well as bite and rake marks on his right forearm. He also sustained rake marks to the right flank area of his back and a collapsed left lung. For further information regarding Suspect Esquivel's injuries, see (6) photos **[Exhibit H]**.

> **IAB Note:** Rake marks are abrasions caused by a K-9's teeth or nails.

TREATING PHYSICIAN STATEMENT:

Emergency Room **Doctor Shepard (#**[redacted] was interviewed by IAB investigators at Saint Francis Medical Center where Suspect Esquivel was being treated. Doctor Shepard said the puncture wounds on Suspect Esquivel's leg were consistent with a dog bite, however, it was his opinion that the [rake] marks on Suspect Esquivel's back were not consistent with a dog bite. According to Doctor Shepard, Suspect Esquivel's collapsed lung was a result of blunt force trauma. When asked if Suspect Esquivel's collapsed lung was consistent with being struck with a fist, Doctor Shepard said he was unable to make that determination, as it was equally likely Suspect Esquivel's collapsed lung occurred from impacting an object within the vehicle when it spun out or when he fled from the vehicle. Doctor Shepard noted Suspect Esquivel did not have any fractured ribs and there was no trauma to his torso.